

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 5 has been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1-4 and 6-12 are pending in the application, of which claims 1, 11, and 12 are independent.

In the Office Action, claim 11 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

In the Office Action, claims 1-12 are rejected under 35 U.S.C. §102(b) as being anticipated Ohkubo et al. (U.S. 6,212,677).

The above rejections are respectfully traversed for at least the following reasons.

Claim Rejection Under 35 U.S.C. §101

Claim 11 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Office Action asserts that claim 11 encompasses software *per se* without hardware.

By the foregoing amendments, claim 11 has been amended to recite a computer readable medium on which is stored computer executable instructions. Thus, claim 11 includes hardware, such as the computer readable medium, as suggested by the Office Action.

Accordingly, withdrawal of the claim rejection under 35 U.S.C. §101 is respectfully requested.

Claim Rejection Under 35 U.S.C. §102

Claims 1-12 are rejected under 35 U.S.C. §102(b) as being anticipated Ohkubo et al. (U.S. 6,212,677).

Independent claims 1, 11, and 12

Claim 1 has been amended to include the features of now-canceled claim 5. Thus, amended claim 1 recites, in part, "extracting a comment that is added by a user to a predetermined position in the computer program specifications created; and adding the comment extracted to a predetermined position in computer program specifications to be created."

The Office Action asserts that the aforementioned features, which were found in the now-canceled claim 5, are anticipated by the Ohkubo et al. reference in FIG. 38 and col. 7, lines 35-37. While FIG. 38 appears to show a user's comments embedded in computer programming code, there is no discussion in the Ohkubo et al. reference of extracting such user's comments and adding them to a predetermined position in computer program specifications as claimed. Indeed, as cited in the Office Action, col. 7, lines 35-37 of the Ohkubo et al. reference does not discuss the use of comments in programming code at all. Instead, it merely discusses conversion rules to

provide various tables shown in Figs. 32 to 37, and that the expansion for the sub-routine 1 is executed by adding the number of "line" of the original sub-routine 1 to the number of "line" of the sub-routine 2.

Because the Ohkubo et al. reference fails to teach each and every arranged as claims, it fails to anticipate claim 1 and associated dependent claims 2-10. Accordingly, it is respectfully submitted that claims 1-10 are allowable over the references of record.

Claims 11 and 12 have been amended to include features similar to those noted above for claim 1. Thus, claims 11 and 12 are also allowable over the references of record for at least the reasons set forth above for claim 1.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

PATENT

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Respectfully submitted,

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